

## **REMARKS**

Favorable reconsideration and allowance of the Claims of the present application are respectfully requested.

Applicants have carefully considered the Office Action mailed on December 10, 2008. The Examiner rejected the pending claim, Claim 22 as failing to comply with the written description requirement. The Examiner has also held Claim 22 as allegedly anticipated by Naik et al. (*Journal of Comparative Neurology*, 426: 243-258, 2000) (hereinafter, "Naik").

Applicants have amended Claim 22. Support for this amendment can be found throughout the application generally, and in paragraphs 179-203 and 104-105, specifically. Applicants have added Claim 38. Support for this amendment can be found throughout the application generally, in paragraphs 199-202 and 104-105 specifically. No new matter has been added.

This Response addresses each of the Examiner's objections and rejections. Applicants therefore respectfully submit that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

### **Rejections under 35 U.S.C. §112**

Claim 22 stands rejected under 35 U.S.C. §112 first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the Inventors, at the time the application was filed, had possession of the claimed invention.

Claim 22 has been amended to recite a species of antigen to which the antibody binds, not a genus of antigens. This amendment overcomes the rejection by specifically reciting the antigen to which the antibody binds. Paragraphs 179-203 of the present application, at the least,

reasonably convey to one skilled in the relevant art that the Applicants had possession of the claimed invention at the time the application was filed.

Accordingly, Applicants submit that the present application provides sufficient description and evidence to one skilled in the art that the inventors had possession of the claimed antibody at the time the present application was filed. Thus the rejection of Claim 22 has been overcome.

Therefore, it is respectfully requested that the rejection of Claim 22 under 35 USC §112, first paragraph, be withdrawn.

**Rejections under 35 U.S.C. §102**

Claim 22 stands rejected under 35 U.S.C. §102(b) as allegedly anticipated by Naik.

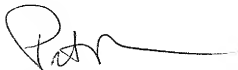
Naik discloses two non-specific PKC antisera being added at different concentrations to rat hippocampus tissue. See Page 245 left column third full paragraph of Naik. The antiserum disclosed in Naik is to the C-terminus of PKM $\zeta$ , which, however, because the sequence is almost entirely shared with PKC $\iota$ , is not specific to  $\zeta$  and does not distinguish between  $\zeta$  and  $\iota$ . See Page 244 right column first full paragraph of Naik. The antibody recited in claim 22 is specific to PKM $\zeta$  because it is to a sequence found in  $\zeta$  but not  $\iota$ , and therefore does not cross-react with PKC $\iota$ . Thus, Naik is a deficient anticipatory reference for at least the fact that it does not disclose a purified antibody which specifically binds to the atypical isoform PKM $\zeta$ , which is recited in Claim 22 of the present application.

Further, Naik does not teach all elements of new Claim 38. Specifically Naik, at the least, does not disclose a purified antibody which binds to the atypical isoform protein kinase C (PKC $\iota/\lambda$ ). Thus, New Claim 38 is patentable over Naik.

Therefore it is respectfully requested that the rejection of Claim 22 under 35 U.S.C. §102(b) be withdrawn.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a long horizontal flourish extending to the right.

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